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the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-eighth session
6-23 March 2001

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

SUDAN

1. The Committee considered the ninth, tenth and eleventh periodic reports of the Sudan, which were due on 20 April 1994, 1996 and 1998 respectively, submitted as one document (CERD/C/334/Add.2), at its 1451st and 1452nd meetings (CERD/C/SR.1451 and 1452), held on 14 and 15 March 2001. At its 1460th meeting (CERD/C/SR.1460), held on 21 March 2001, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's report and appreciates the opportunity to continue its dialogue with the State party, in a spirit of constructiveness. While noting that the report was not adequately prepared in accordance with the guidelines for the preparation of reports, the Committee expresses its appreciation for the additional oral and written information provided by the delegation in response to the wide range of questions asked by Committee members.

B. Positive aspects

3. The Committee notes with interest the State party's increasing willingness to cooperate with some of the United Nations and international agencies and non-governmental organizations in the field of human rights, including on matters relating to racial discrimination.

4. The Committee welcomes the fact that international treaties ratified by the State party form part of domestic law and that treaties take precedence over national legislation in case of conflict.

5. The Committee welcomes the adoption by national referendum of the 1998 Constitution and commends the fact that the Constitution recognizes the cultural diversity of the Sudan. In this regard, the Committee notes the efforts by all parties to implement constitutional decree 14 of 1997 (Khartoum Peace Agreement), ending with a general referendum in the South on unity or separation.

6. The Committee welcomes the efforts made by the State party to put into place a legislative framework, based on the common law system, to ensure the protection of constitutional rights and freedoms and, in particular, the 1998 amendment to the Criminal Act making racial discrimination a specific crime.

7. The Committee commends the development of some institutional structures to guarantee the objectives of the Constitution, including the Constitutional Court, the Office of the Ombudsman and the Advisory Council for Human Rights.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee bears in mind the long-lasting and ongoing civil war, fuelled by a complexity of issues relating to ethnicity, race, religion and culture, involving violations of human rights by all parties to the armed conflict. Massive loss of life, destruction of property, abductions and a decline in financial and material resources and political conflict overshadow all efforts made by the State party to implement the Convention.

D. Concerns and recommendations

9. While noting certain information given orally by the delegation, particularly the socio-economic indicators relating to women and children, the Committee regrets the lack of details in the report concerning the demographic composition of the population. The Committee recommends that the State party provide in its next report detailed information on the composition of the population, as requested in the reporting guidelines of the Committee. In particular, the Committee wishes to receive information on the economic and social status of all ethnic and religious minorities, disaggregated by gender, and any other groups covered by the scope of the Convention, as well as on their participation in public life.

10. With regard to articles 4, 5 and 6 of the Convention, the Committee recommends that the State party continue its efforts to establish a domestic legal order giving full effect to the provisions of the Convention and to ensure effective and equal access to remedies through the competent national tribunals and other State institutions against any acts of racial discrimination and related intolerance.

11. The Committee further reiterates its recommendations to the State party contained in its decision 5 (54) of 19 March 1999 (A/54/18, Chap. II, sect. A), inter alia to implement immediately effective measures to guarantee all Sudanese, without distinction based on race, colour, descent, or national or ethnic origin, freedom of religion, opinion, expression and association; the right to security of person and protection by the State against violence or bodily harm; the right to study and communicate in a chosen language; and the right to enjoy their own culture without interference.

12. The Committee repeats its concern over continuous reports and allegations regarding the abduction by armed militia of, primarily, women and children belonging to other ethnic groups. In this regard, it notes that the State party, while disassociating itself from any such practices, attributes abduction to traditions deeply rooted among certain tribes. Notwithstanding this position, the Committee strongly emphasizes the State party's responsibility to undertake all measures to bring the practice of abduction to an end and to ensure that legal action is taken against those responsible for such acts, and compensation given to those aggrieved.

13. The Committee is deeply concerned about the forced relocation of civilians from the Nuer and Dinka ethnic groups in the upper Nile region and reports that the relocations involved significant military force resulting in civilian casualities. The Committee urges the State party to uphold the fundamental economic and social rights of the Nuer and Dinka in the upper Nile region, including the right to personal security, to housing, to food, and to just compensation for property confiscated for public use.

14. The Committee remains concerned about the large number of internally displaced communities within the territory of the State party, due to the civil war and natural disasters. The Committee reiterates its recommendation that the State party consider giving effect to the provisions of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) of the Special Representative of the Secretary General on internally displaced persons and to implement the right to free return of all displaced persons to their homes of origin under conditions of safety. It further urges the State party to do everything in its power to achieve a peaceful settlement of the war, which undermines efforts at combating ethnic, racial and religious discrimination.

15. The Committee notes that different standards of treatment are reportedly used for different categories of asylum-seekers, i.e. whereas asylum-seekers from mainly neighbouring countries to the east, west and south, except Chad, are granted refugee status, asylum-seekers from Arab countries are allowed to stay on an informal and unofficial basis. The Committee recommends that the State party apply international and regional standards pertaining to refugees equally, regardless of the nationality of the asylum-seeker.

16. The Committee invites the State party to provide in its subsequent report, inter alia, information on cases pertaining specifically to violations of the Convention, on the activities of the Office of the Ombudsman and the Advisory Council for Human Rights, and on the results of the work of the Committee for the Eradication of Abductions of Women and Children.

17. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

18. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and the Committee recommends that the possibility of making such a declaration be considered.

19. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties.

20. The Committee recommends that the State party submit its twelfth periodic report jointly with its thirteenth periodic report, due on 20 April 2002, and that it address all the points raised in the present observations.